

Our Ref: BNE2300-2  
BNE2007/3358  
E/07/00763  
Your Ref: 788 07

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 7 March 2007 forwarding notification of a petition received by the House on 6 March 2007 concerning dust nuisance allegedly caused by activities at 127 Eagle Farm Road, Pinkenba.

I am aware that this site has been the subject of much attention in the past. I believe that a number of activities are currently being undertaken at the site, with only some of these activities falling under the control of the Environmental Protection Agency (EPA).

As a result of previous complaints regarding the site, a number of investigations have been undertaken in an effort to determine the source of the dust nuisance. This has involved investigations into the activities conducted at the aforementioned site, and has included dust monitoring undertaken by an independent consultant.

All previous investigations by the EPA have indicated that the dust at the centre of the complaints is not being generated as a result of the EPA approved activities at the site. In the past, the main sources of dust have been identified as the on-site filling or the storage of earth on the site, a matter which is within the jurisdiction of the Brisbane City Council, or from the unsealed road verge.

Despite these previous investigations, officers of the EPA will continue to monitor the site to ensure compliance with the conditions of all EPA development approvals.

With respect to any expansion of the site, should an application be lodged in the future, it will be considered by both the Council and the EPA. While the EPA will be responsible for the assessment of the environmental aspects of the environmentally relevant activity, the decision to approve or refuse the use in terms of land use planning will ultimately be made by the Council in accordance with its town planning scheme.

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The Minister for Transport and Main Roads can advise regarding the acquisition of the land in question by Queensland Rail. I have forwarded a copy of your letter to the Honourable Paul Lucas MP, Minister for Transport and Main Roads, for his consideration and reply direct to you on this matter.

I hope this information is helpful to you.

Yours sincerely

**Lindy Nelson-Carr MP**  
**Minister for Environment and Multiculturalism**



Hon. Paul Lucas MP



Queensland  
Government

Our ref: MC28871

Minister for  
Transport and Main Roads

03 MAY 2007

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
Brisbane Qld 4000



*8/5/2007*  
LAID UPON THE TABLE OF THE HOUSE  
THE CLERK OF THE PARLIAMENT

Dear Mr Laurie

**Re: petitions concerning dust nuisance from activities at 127 Eagle Farm Road,  
Pinkenba**

I refer to petitions 770-07 and 788-07 lodged with the Legislative Assembly by Mr Gary Hooper on 6 February 2007 about dust nuisance from activities at 127 Eagle Farm Road, Pinkenba.

The activities at 127 Eagle Farm Road are carried out on land originally leased by Queensland Rail (QR) in April 2000 to Mr Ben Rubin. The lease covers a small portion within a larger block of QR freehold land at Pinkenba. A development application (DA) to establish a waste transfer station on the leased land was submitted by the lessee to the Brisbane City Council (BCC) in December 2001. I am advised that the lease was re-assigned to Byrne Earthmoving and Engineering Pty Ltd (Byrne) (the current lessee) in 2004 and that Byrne continued to undertake earth works to prepare the site for a waste transfer business.

Following the meeting of the Australia Trade Coast Community Cabinet on 29 May 2006, at which the nature and impact of the activities being undertaken on the site were raised with Government, officers of Queensland Transport (QT) made a number of enquiries and have had ongoing discussions with compliance officers of the BCC.

Since July 2006, BCC officers have been intensively investigating Byrne's operations on the leased site and in particular whether or not the lessee has been acting legally in compliance with the conditions of the BCC's original DA. It is now public knowledge that BCC has instigated legal proceedings against the company for, amongst other things, breach of DA conditions.

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As I informed the Parliament on 22 February 2007 in response to a Question on Notice from Mr Tim Nicholls MP, Member for Clayfield, if the law has been broken and Byrne's lease allows for certain actions to take place as a result of that breach, then I would ask for those actions to be examined.

At this stage, the matter remains unresolved. Once the legal process has been completed and a court judgement handed down, the relevant officers from QT will be asked to investigate the options available in relation to the lease pursuant to the terms of the judgement.

I trust this information is of assistance.

Yours sincerely

**PAUL LUCAS MP**  
**Minister for Transport and Main Roads**